

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JUSTIN EVERETT,)
Plaintiff,)
v.)
FIELDWORKS, LLC, and ZACHARY) **Civil Action No. 2:17-cv-01495-PJP**
REIDER,)
Defendants.) **ELECTRONIC FILING**
)
)

DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE

Defendant FieldWorks, LLC (“FieldWorks”) and individual Defendant Zachary Reider (“Reider”), through their undersigned counsel, Cohen & Grigsby, P.C., hereby file the following Defendants’ Response to Order to Show Cause and move this Court to dismiss Plaintiff’s case, with prejudice, and impose monetary sanctions, and in support thereof, assert as follows:

1. On April 24, 2019, this Court scheduled trial to commence on June 10, 2019 at 9:00 a.m. (Doc. No. 67).
2. At that time, Plaintiff expressly indicated to the Court that he did not object and that June 10, 2019 was an acceptable date for trial.
3. In anticipation of trial, Defendants vigorously prepared their defense.
4. Defendants’ preparation included flying in witnesses from Boise, Idaho and Washington, D.C., securing hotel accommodations for the witnesses, holding witness preparation sessions, and preparing opening and closing arguments and direct and cross examination outlines for trial.

5. Despite being explicitly warned by the Court that failing to appear for trial could result in a range of sanctions, including dismissal of his case for failure to prosecute, Plaintiff did not appear for trial on the morning of June 10, 2019. (Doc. No. 93)

Based on the foregoing, Defendants respectfully request that this Court dismiss Plaintiff's case, with prejudice, and impose monetary sanctions against Plaintiff.

Respectfully submitted,

/s/ Jennifer S. Park

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Counsel for Defendants

Dated: June 24, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Response to Order to Show Cause was filed with the Court electronically on June 24, 2019. Notice of this filing will be sent to all parties via electronic mail.

/s/ Jennifer S. Park